

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1, 19, 34, and 43. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-53 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-53 stand rejected under 35 U.S.C. 102(e) as being unpatentable over Walker, U.S. Patent Application No. 2002/0193162, hereinafter referred to as Walker. The Applicant respectfully disagrees with the rejection of claims 1-53. The Applicant has further amended independent claims 1, 19, 34, and 43 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

The Applicant has amended claims 1, 19, 34 and 43 which now recite that the fee is associated with playing a single game within the tournament. Support for these amendments is found in paragraphs 11 and 37 of the Applicant's specification.

The Applicant's invention relates to a system and method for conducting a tournament by a game provider for users using a game system. Games are provided by a game server through a network by a network provider. The game server provides a tournament scheme of play having a plurality of rounds. To progress to a next round, a player must exceed a threshold score. During each round, the player may play several times in an attempt to exceed the threshold score. Revenue is generated from each game played in the tournament. The revenue is then shared by revenue gathered by the network provider and shared with the game provider.

In contrast to the Applicant's invention, Walker is related to operating a video game or video game tournament. A bonus is provided to a player playing the video game or participating in a video game tournament. A bonus is provided to the player if a rating associated with the player is worse than a threshold rating. **For tournament play**, a player pays a single entry fee to compete in the tournament (see paragraphs 20, 30, 33, and FIG. 2 of Walker). Walker does not teach or suggest a scheme of tournament play where revenue is obtained from a player playing multiple games where

each game in the tournament play is charged a fee during tournament play.

Walker discloses two different types of game play, a tournament game play and individual games (see Abstract and paragraphs 18 and 96 of Walker). The Examiner cites paragraph 104 as disclosing a fee per game. The Applicant respectfully disagrees with this characterization. In paragraph 104, Walker discloses paying an entry fees for a single game. However, Walker does not disclose payment of a fee for a single game of a plurality of potential games within a tournament. As disclosed in Walker, payment of an entry fee of a game is solely associated with an individual game and not in a tournament scheme. For tournament play, Walker clearly discloses paying a single entry fee for the entire tournament, rather than a fee per game (see paragraphs 20, 30, 33, and FIG. 2 of Walker).

The Examiner cites paragraph 113 of Walker in the “Response to Arguments” as disclosing the step of determining a fee for each game. The Applicant respectfully disagrees. As discussed above, this passage is merely disclosing payment of a single game which is not associated with tournament play. Thus, Walker fails to disclose determining a fee to the user for playing each game in the tournament where the fee is associated with playing a single game within the tournament.

Furthermore, Walker does not disclose sharing revenue obtained from the tournament play between the game provider and the network provider. Additionally, the Examiner cites paragraph 25 of Walker as disclosing transferring a fee to a network provider. However Walker does not disclose transferring a portion of the revenue collected by the network provider to the game provider based upon playing each game. As discussed above, Walker does not disclose obtaining revenue for each game played in tournament play. In addition, in Walker, the fees that are collected are not shared between any entities. Walker provides no disclosure whatsoever of sharing of any revenue to any separate entities.

The Examiner stated in the “Response to Arguments” that where the game provider and network provider are separate entities, it is inherent that the network provider compensates the game provider in some way. The Applicant respectfully disagrees with this characterization. In the Applicant’s scheme, a unique way of sharing fees in tournament play is disclosed. In particular, in the Applicant’s invention, the

network provide determines and collects the fee and shares this fee with the game provider. The Examiner cites US Patent Application 20040266533 to Gentles (Gentles) as disclosing a revenue sharing scheme that provides a royalty payment to the game provider. The Applicant respectfully points out that Gentles merely provides a server that enables the game provider to account and collect revenues. In the Applicant's invention, the network server collects and distributes a portion of the revenue to the game provider. Thus, the sharing scheme of the Applicant's claimed invention is not disclosed nor is it inherent in Walker.

Walker does not disclose the steps of determining a fee to the user for playing each game in the tournament where the fee is associated with a single game of a tournament or transferring a portion of the revenue collected by the network provider to the game provider based upon playing each game. Thus, Walker does not anticipate claim 1. Independent claims 19, 34, and 43 contain limitations analogous to claim 1. Therefore, those claims are also not anticipated by Walker.

In regards to claim 5, the Examiner cites paragraphs 98, 99 and 175 as disclosing allowing the user to immediately progress to the next round upon exceeding the established threshold score. The Applicant respectfully disagrees. Walker does not provide any disclosure where the player advances upon reaching a specified threshold.

Claims 2-18 depend from claim 1 and recite further limitations in combination with the novel elements of claim 1. Claims 20-33 depend from claim 19 and recite further limitations in combination with the novel elements of claim 19. Claims 35-42 depend from claim 34 and recite further limitations in combination with the novel elements of claim 34. Claims 44-53 depend from claim 43 and recite further limitations in combination with the novel elements of claim 43. Therefore, the allowance of claims 1-53 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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